

The Salisbury Planning Board held its regular meeting on Tuesday, August 13, 2002, in the City Council Chambers of the Salisbury City Hall at 4:00 p.m. with the following being present and absent:

PRESENT: Lou Manning, Elaine Stiller, Jerry Wilkes, Eldridge Williams, Sean Reid, Rodney Queen, Sandy Reitz, Fred Dula, Jeff Smith, Ken Mowery, Brian Miller, Len Clark

ABSENT: None

STAFF: Harold Poole, Patrick Kennerly, Dan Mikkelson, Hubert Furr, Janice Hartis

The meeting was called to order by Chairman Dula. The minutes of July 23, 2002, were approved as published.

ZONING MAP AMENDMENTS

Z-14-02 Bobbie J. Cline, Jake Alexander Blvd. and Clancy Street

Location: West side of the intersection of Jake Alexander Blvd. West and Clancy Street

Size: Two parcels totaling approximately 35,425 square feet

Existing Zoning: R-8 Single Family-8 Residential

Proposed Zoning: B-CS Convenience Service Business

(a) Chairman Dula convened a courtesy hearing on Z-14-02.

Those speaking in favor of the zoning change request:

Bobbie Cline, 1247 Panther Point, Richfield – wants to build a metal building on a piece of property that is now a cornfield; there will probably be two offices in the front, a workroom in the center of the building, with a staging area in the back of the building. The building is for use by designers, decorators, and interior decorators to display samples for potential customers.

Those speaking in opposition to the zoning change request:

Jake Alexander, 8 Woodland Road – he and his partners are developing the office park across the street from the property in question. They had this property rezoned to LOI-S three years ago. They made a comprehensive effort to speak to the Milford Hills neighbors and agreed to keep any form of retail trade from that part of Jake Alexander Boulevard. Does not feel that any type of commercial zoning southeast of the mall property would be appropriate. Understands this is a dynamic area and that zoning will change there. It is not advisable to rezone in a piecemeal fashion. Proposes that the Board study the entire area and a comprehensive zoning proposal come from that type of study as opposed to these individual rezoning requests. This area along Jake Alexander will not remain R-8 Single Family Residential. But right now, it appears that past Planning Boards and City Council have felt that office institutional use is more appropriate for that area.

The chairman closed the courtesy hearing on this case.

(b) Board Discussion:

Jeff Smith – Several properties in this area have recently been rezoned to office institutional. Agrees that the Board needs to look at it from a comprehensive standpoint. Prefers not to rezone the property in question at this time and that a comprehensive study be prepared.

Ken Mowery – Agrees with Mr. Smith. We need to look at the area as a whole. This is the third request in several years for this side of Jake Alexander Blvd. seeking rezoning. There will be more to come. It's time to look at this whole area.

Sean Reid – Agrees we need a study for this area. However, B-CS is being sought between two recent rezonings to B-1. B-CS is less intrusive than B-1. Of the two lots requested for rezoning, the lot facing Jake Alexander would be preferable for rezoning than the second lot immediately behind which faces Clancy Street. The B-CS on this second lot would be intrusive to the neighborhood.

Rodney Queen moved to send this request to a committee. The motion was seconded by Brian Miller with all members voting AYE. Committee 1 (Stiller, Williams, Manning, Reitz) was assigned to this matter.

Z-15S-02 Rick N. Honeycutt, 1400 block East Council Street

Location:	1400 block of East Council Street; located behind Happy Traveler Inn
Size:	Approximately 25,000 square feet
Existing Zoning:	R-8 Single Family-8 Residential
Proposed Zoning:	B-6-S Special General Business
Proposed Uses:	All B-6 permitted uses shall be eliminated except: All uses permitted in a central business district (B-5) unless otherwise authorized to a different extent by a specific permitted use reference or stipulation for this district Animal hospital or veterinary clinic, but no open kennels on the premises Automobile repair and paint shops Bicycle sales and repair Building supply and equipment sales Drive-in restaurant Electrical appliances, sales and repair Fast food restaurant General contractors' offices Miniwarehousing as defined in section 4.02 provided such miniwarehousing shall not be located any closer to adjoining structures or buildings than thirty (30) feet and no storage is allowed of uncured hides, explosives, oil products, gas products or any flammable, toxic, or hazardous products Wholesale and warehouse establishments except for the storage of uncured hides, explosives, oil products, gas storage, etc.
Conditions:	East Council Street access closed; new access by way of new street being developed at side of the property

(a) Chairman Dula convened a courtesy hearing on Z-15S-02.

Those speaking in favor of the zoning change request:

Jay Dees, 121 Kerr Street, representing petitioner – The intent of the application was to list all uses the petitioner would desire to leave in and eliminate all other uses. The petitioner does not wish to include all B-5 uses as stated on his application. The future Faith Road alignment will come right beside the property in question and intersect with Council Street. The new road is going to create a wider intersection and will take a portion of the petitioner's property. Access to the business would be from the new road and not from Council Street. The intended use on the property will consist of two delivery trucks that leave once in the morning and return at the end of the day after deliveries are made, with one to two deliveries per week. Wants to keep the house intact. Wants to build a combination garage/office in the rear for the storage of his wholesale goods, with room to park the delivery trucks. The B-6 district allows the use he intends for the property—the wholesale distribution of goods. Asking for the B-6-S to limit the uses in deference to the neighborhood. Suggested the matter be referred to a committee in order to address how the area is going to be developed since the property backs up to a major business section.

Charles Steinman, 1500 East Innes Street – This property is on the periphery of a neighborhood which is going to have to face a lot of change that's going to take place with Innes Street and Interstate 85.

Those speaking in opposition to the zoning change request:

Lisa Williams, 1305 East Council Street – The neighbors oppose this proposed rezoning. The City has been wise in its past decisions to not allow businesses to front East Council Street. Dr. Steinman had requested a rezoning for his property back to East Council Street behind his animal care clinic. City Council denied that request and only gave him half of what he asked for to keep the businesses from fronting into the residential neighborhood. If this business is allowed on that corner, then we're allowing a business to directly front on East Council Street. This is a very old neighborhood. Allowing business on this property is not going to be good for the neighborhood. This property could be sold and the new owner could use the property for another purpose and might not be as good a neighbor.

Melissa Brown, 1404 East Council Street – East Council Street is a neighborhood of loving and caring families. Making Council Street a business area would kill the spirit of what so many people have accomplished in making this community what it is. A business will compromise the safety of the community and take away the neighborhood effort to live in a peaceful community.

Peggy Lipe, 1325 Longview Avenue – Presented the Board with a protest petition. This is a quiet neighborhood. There are other places already properly zoned where he could locate. He shouldn't build a warehouse in the neighborhood.

Peggy Shaver, 120 Roberta Street – The petitioner has commented he intends to build the garage/warehouse regardless of whether the zoning is changed. Does not want to see any additional traffic on East Council Street.

Approximately three people stood in favor of the rezoning request.

Approximately 18 people stood in opposition to the rezoning request.

The chairman closed the courtesy hearing on this case.

(b) Board Discussion:

Brian Miller – There is sufficient issues here that this should be sent to a committee. Feels that it's the Planning Board's intent to protect neighborhoods wherever possible, especially when there is a cohesive unit of neighbors protesting. We need to recognize, however, that this neighborhood is in an area of transition. For that reason, he felt a committee should be appointed to better address this issue to try and bring the parties together to find a resolution such that can be used to go forward. He moved to send the matter to a committee. The motion was seconded by Sean Reid.

Sean Reid – This rezoning application looks premature at this time. No one knows when the Faith Road extension is going to be finalized. Once we know where the road will be going should be the time to consider the rezoning request. One of the possible uses the applicant listed is a drive-in restaurant. Does not feel a restaurant would be suitable at this location.

Jeff Smith – Taking business back to the middle of Council Street is a problem for him. This is not an appropriate rezoning at this point. The neighborhood has worked real hard to protect itself.

Ken Mowery – It's important to keep the zoning line clean. Where the zoning line is running now between the properties is the appropriate place to separate business and residential.

Elaine Stiller – The neighborhood has done an exceptional job with the transition that is happening in keeping the neighborhood feel. There are quiet streets, and the houses are in good repair.

On the call for the question, Brian Miller voted AYE to send the matter to a committee. Messrs. Manning, Wilkes, Williams, Reid, Queen, Dula, Smith, Mowery, and Clark and Mrs. Stiller and Mrs. Reitz voted NAY. The motion was denied.

Ken Mowery moved to recommend denying the request. The motion was seconded by Lou Manning with all members voting AYE.

GROUP DEVELOPMENT

G-15-02 Gateway Area Parking Lot, 100 block of North Lee Street

A site plan has been submitted by city staff for revisions to a previously approved plan for improvements to the existing parking lot located behind the Gateway Building. The Technical Review Committee recommends approval as submitted.

On a motion by Rodney Queen, seconded by Lou Manning, with all members voting AYE, the site plan was recommended to City Council for approval.

COMMITTEE REPORTS

(a) Committee 3 – Ken Mowery reported that the committee had met just prior to the Planning Board meeting to discuss grandfathering of conditional uses. A proposed text amendment is still being discussed, and the committee will need to meet again to develop a final recommendation.

(b) Committee 2 – Jeff Smith reported for the committee studying John Riley's request for an electronic sign at his business. The committee has met with Mr. Riley and has asked staff to provide additional information prior to making a final recommendation.

(c) Park Avenue Committee – Rodney Queen reported for the committee which is beginning their study of the North Long Street area. A neighborhood meeting was held at the Police Substation at 511 Park Avenue with a number of neighborhood people present. The purpose of the meeting was to allow the committee to discuss the future of North Long Street with property owners while discussing some problems as well as opportunities for improving the area. Several property owners discussed possibilities for their property as well as some problem areas. There was also discussion about landscaping along North Long Street and even widening the street on the east side. Sean Reid indicated he was concerned with all the M-2 zoning in the area and the potential for an undesirable heavy industrial use locating in the area.

STAFF REPORTS

(a) Senior Planner Poole commented on a matter that has come to his attention relative to parking space requirements for small (under 200,000 square feet) commercial group developments. The current requirement is 4 ½ spaces for each 1,000 square feet of gross floor area for commercial group developments with a gross floor area of less than or equal to 200,000 square feet. It has been noted that those shopping centers of under 200,000 square feet do not appear to need as many parking spaces as we are requiring. This results in more “black top” that is not used. In looking over requirements of other cities, we are seeing some with 4 ½ spaces, like ours, and some with 4 spaces. Staff is recommending reducing the parking space requirement from 4 ½ to 4 spaces for each 1,000 square feet of gross floor area for commercial group developments with under 200,000 square feet. Ken Mowery moved to send this matter to a committee. The motion was seconded by Jeff Smith, with all members voting AYE. The Legislative Committee was assigned to study this matter.

(b) Section 9.09(4) Abandoned, Discontinued and Obsolete Signs – Planning Board recently made a recommendation to amend Section 9.10 (8)(d) to require the removal of nonconforming signs identifying businesses no longer in existence, products no longer being sold, services no longer being rendered or signs and sign structures which have been abandoned within 120 days from the termination of such activities. (The ordinance now reads 60 days.) This recommendation would conflict with Section 9.09(4) which also stipulates 60 days for the removal of abandoned, discontinued and obsolete conforming signs. Staff recommends that both sections reflect the same number of days. Brian Miller moved that Section 9.09(4) be amended to stipulate 120 days for the removal of abandoned, discontinued and obsolete signs. The motion was seconded by Sean Reid, with all members voting AYE.

There being no further business to come before the Board, the meeting was adjourned.

Chairman

Secretary